IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO.18022 of 2004

Between:

G.S. Narayana, E-36238, APSRTC, Assistant Depot Clerk,
Bhimavaram Depot, R/o. Bhimavaram, West Godavari District.

..... PETITIONER

AND

1. The APSRTC Rep. by its Vice-Chairman and Managing Director,

Musheerabad, Hyderabad.

2 The APSRTC Rep. by its Depot Manager, Bhimavaram, West Godavari

District.

3 The Accounts Officer, P.F. Trust, O/o. V.C & M.D, APSRTC,
Musheerabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction, declaring the action of the respondents herein in holding that the petitioner is not a member of the Family Pension Scheme inspite of recovering the contribution from his salary as illegal, unjust and arbitrary and as such liable to be set a aside in the interest of justice and further directing the respondents to pay the FPS benefits to the petitioner after his retirement.

Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondent Nos.1 to 3: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the admission stage made the following Order:

This writ petition is filed to declare the action of the respondents in holding that the petitioner is not a member of the Family Pension Scheme inspite of recovering the contribution from his salary as illegal and arbitrary.

Learned counsel for the petitioner contended that the petitioner is a member of Family Pension Scheme and the second respondent is deducting certain amount towards Family Fund Scheme and that the petitioner made a representation to the third respondent to furnish him the particulars of his account. But, the third respondent gave a reply stating that the petitioner is not a member as per the section records, which is illegal and arbitrary and the same is liable to be set aside.

On the other hand, learned counsel for the respondents contended that since the petitioner is not a member of the Family Fund Scheme run by the third respondent, the writ petition is not maintainable.

The petitioner got issued a notice dated 27.07.2004 to the third respondent stating that the Depot Manager-second respondent submitted an option form and recoveries were made from the salary of the petitioner. A reply was given stating that the petitioner was not a member of Family Fund Scheme as per the section records. The petitioner was also advised by the third respondent that a communication may be given to that effect, so that the proposal can be forwarded to the RPF

Commissioner for his consideration as the RPF Commissioner is vested with the authority to decide the membership.

Therefore, the petitioner is directed to approach the RPF Commissioner to decide the membership of the petitioner for admitting him into the Family pension Scheme.

With the above direction, the writ petition is disposed of. No costs.

17.01.2005

usd

To

1. The Vice-Chairman and Managing Director, APSRTC,

Musheerabad, Hyderabad.

2 The Depot Manager, APSRTC, Bhimavaram, West Godavari

District.

3 The Accounts Officer, P.F. Trust, O/o. V.C & M.D, APSRTC,
Musheerabad, Hyderabad.

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